

Paul J. Riehle (SBN 115199)
paul.riehle@faegredrinker.com
FAEGRE DRINKER BIDDLE & REATH LLP
Four Embarcadero Center, 27th Floor San
Francisco, CA 94111
Telephone: (415) 591-7500

Christine A. Varney (*pro hac vice*)
cvarney@cravath.com
CRAVATH, SWAINE & MOORE LLP
825 Eighth Avenue
New York, New York 10019
Telephone: (212) 474-1000

Counsel for Plaintiff Epic Games, Inc. in Epic Games, Inc. v. Google LLC et al.

Douglas J. Dixon (SBN 275389)
ddixon@hueston.com
HUESTON HENNIGAN LLP
620 Newport Center Drive, Suite 1300
Newport Beach, CA 92660 Telephone:
(949) 229-8640

Counsel for Plaintiffs Match Group, LLC et al.

[Additional counsel on signature page]

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

IN RE GOOGLE PLAY STORE ANTITRUST LITIGATION

Case No. 3:21-md-02981-JD

THIS DOCUMENT RELATES TO:

Epic Games Inc. v. Google LLC et al., Case No. 3:20-cv-05671-JD

STIPULATION REGARDING CLAIMS OF EPIC GAMES, INC. AND MATCH GROUP, LLC

Match Group, LLC et al. v. Google LLC et al.,
Case No. 3:22-cv-02746-JD

1 WHEREAS, Epic Games, Inc. (“Epic”) filed a Second Amended Complaint (“SAC”)
2 asserting, in Count 4, a *per se* unreasonable restraint of trade under § 1 of the Sherman Act;

3 WHEREAS, Match Group, LLC, et al. (“Match”) filed a First Amended Complaint (“FAC”)
4 asserting, in Count 6, a *per se* unreasonable restraint of trade under § 1 of the Sherman Act;

5 WHEREAS, the parties in this action are submitting a joint proposed amending scheduling
6 order on December 13, 2022, pursuant to this Court’s order on November 15, 2022, MDL Dkt.
7 No. 374.

8 THEREFORE, Epic, Match, and Google stipulate to the following:

- 9 1. With respect to Count 4 of Epic’s Second Amended Complaint and Count 6 of
10 Match’s First Amended Complaint, Epic’s and Match’s *per se* claims are limited to
11 Google’s agreements with the following developers: Activision Blizzard, Inc., Riot
12 Games, Inc. and Supercell.
- 13 2. Neither Epic’s nor Match’s counsel will argue or assert or seek to elicit testimony
14 suggesting that any Games Velocity Program or Apps Velocity Program
15 agreements other than those entered into with Activision, Riot and Supercell were
16 horizontal agreements not to compete that were intended to, and did in fact, prevent
17 the launch of an app store on Android by the counterparty to such agreement and
18 that are per-se illegal under Section 1 of the Sherman Act. For the avoidance of
19 doubt, nothing herein shall prevent Epic or Match from arguing to the jury that any
20 or all GVP and AVP agreements are vertical agreements in restraint of trade that
21 violate Section 1 and/or Section 2 of the Sherman Act (or any antitrust or unfair
22 competition state statute).

23

24

25

26

27

28

1 Dated: December 13, 2022

CRAVATH, SWAINE & MOORE LLP
Christine Varney (*pro hac vice*)
Katherine B. Forrest (*pro hac vice*)
Gary A. Bornstein (*pro hac vice*)
Timothy G. Cameron (*pro hac vice*)
Yonatan Even (*pro hac vice*)
Lauren A. Moskowitz (*pro hac vice*)
Justin C. Clarke (*pro hac vice*)
M. Brent Byars (*pro hac vice*)

FAEGRE DRINKER BIDDLE & REATH LLP
Paul J. Riehle (SBN 115199)

8 By: /s/ Yonatan Even
9 Yonatan Even

10 *Counsel for Plaintiff Epic Games, Inc.*

11 HUESTON HENNIGAN LLP
12 Douglas J. Dixon
13 Christine Woodin
14 Joseph A. Reiter

15 By: /s/ Douglas J. Dixon
16 Douglas J. Dixon

17 *Counsel for Plaintiffs Match Group, LLC, et al.*

Dated: December 13, 2022

MORGAN, LEWIS & BOCKIUS LLP
Brian C. Rocca
Sujal J. Shah
Michelle Park Chiu
Minna L. Naranjo
Rishi P. Satia

21 By: /s/ Brian C. Rocca
22 Brian C. Rocca

23 *Counsel for Defendants Google LLC et al.*

24
25
26
27
28

1 Dated: December 13, 2022

MUNGER, TOLLES & OLSON LLP
2 Glenn D. Pomerantz
3 Kyle W. Mach
4 Kuruvilla Olasa
5 Justin P. Raphael
6 Emily C. Curran-Huberty
7 Jonathan I. Kravis
8 Dane P. Shikman
9 Nicholas R. Sidney

10 By: /s/ Glenn D. Pomerantz
11 Glenn D. Pomerantz

12 *Counsel for Defendants Google LLC et al.*

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

E-FILING ATTESTATION

I, Glenn D. Pomerantz, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(h)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

/s/ *Glenn D. Pomerantz*

Glenn D. Pomerantz